Previous references.
Chs 176-07; 1-3 Pers 4/1913.
(Courts)

File No. 26 – 13

Serial Nos. 1 – 3

Later references.
Chs 223-14
" 186-34 (1-2)
n Dep No. 7/38-39
" 116-40 (5)
" 116-40 (5, 26)
" 57-41 (2)

GENERAL AND REVENUE SECRETARIAT.

Chi Dep. No. 1/38/45-46

Serial Nos. 1 – 3

Part B. for September 13

SUBJECT.

Deposition of witnesses in Kamara in Criminal Courts

Table of Contents

1) To The Regl Ch Court No J 297 Dt 29.7.13
Invite attention to the subject and calls for the opinion of the Chief Court in the matter

2) From the Supdt Office No 719/46 Dt 4/12.8.13
States that the Judges are of opinion that the existing arrangement is working well and requires no alteration

3) To Regl Ch Court & Dy Comm Tumkur No J 780-81 Dt 2.9.13
Records the Serial 2

4/10/13

G.R.S. 11]

1913-14

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 26

FILE HEADING.

Depositions of witnesses in Kannada in criminal Courts.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

GPB—35,000—15-6-12

SUBJECT No. 39.

Depositions of witnesses in Kannada.

Messrs. Kodandarama Setty, Suryanarayana Rao and Nanjappa, Tumkur taluk, and V. Raghavachar, Pavagada taluk.

Summary of discussion.—The practice now obtaining in all criminal courts of taking down in English the depositions of witnesses is not advantageous to the parties concerned. For, in translating from one language into another, [illegible] may not always be correctly expressed and the [illegible] is still more exaggerated in retranslating the same into vernacular, when such translated copies are applied for by the parties concerned. To avoid such difficulties depositions of witnesses may be ruled to be taken in the vernacular as in the case of statements of accused.

This was considered along with subject No. 40.

Power to take down evidence in English is not ordinarily given to Magistrats below the 1st class and even 1st class magistrats are recommended for such power after they have been tried for some time.

The reply given to subject no 40 with which this was considered is that the old practice of depositions being taken down in kannada in all civil Courts would be revived.

No action seems therefore to be necessary on this representation.

Submd

Rg.-129 SW
21/7/13 21/7/13

Power to record evidence in English is given only to 1st Class Magts & in their case too, sparingly.

The request to be rejected. The Govt may be consulted on this matter also

No further action seems necessary.

SJOR 21/7

Draft (Secretariat)

Draft SJOR 23/7 23/7 Draft 23/7

P.T.O.

(3

General and Revenue Secretariat.

cts File No. 26 of 1913-14

Serial No.	
	1) Subo with a draft to the Chief Court. Kg.-129 23/7/13 23/7/13
	2) SSM SPL 28/7/13
	To The Registrar, Chief Court No J 297 dy 29.7.13
	Invite attention to the subject and call for the opinion of the Chief Court in the matter
2	From the Same Office No 719/46 dy 11/12.8.13
	States that the Judges are of opinion that the existing arrangement is working well and requires no alteration.
	3) The opinion of the judges reports to by the Chief Court in para 1 of their letter was that records before reply of Govt was given in the Assembly.
	4) Subo for orders with a draft recording. Kg.-129 15.8.13
	5) The features of this subject differ from those of deposits in civil cases. Govt have not made any reply here which commits them to a particular view. Practice has been deficient under this head for a very long time.
	6) The draft order recording the report of the

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Serial No.

Registrar of the Chief Ct may therefore, be approved.

Draft agd to
19/5

1st Connector)

PP.

1) Unlike Civil cases, there has always been only one record of evidence in criminal cases. I am not prepared to advocate that a double record should be introduced. The difficulty of taking all evidence in ~~English~~ ~~Kannada~~ Kannada is that there are many among the judges and magistrates who cannot write down the Kannada version as fast as English. The present practice is that most first class magistrates are allowed to make the record in English ~~they~~. We might perhaps be more chary in issuing such directions but on the whole the present practice in this respect need not be altered. I may add that

?

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat.

File No. 96 of 191

Serial No.	
	Magistrates who record their depositions in English usually record passages which in their opinion cannot be adequately translated in the original language. I do not remember to have heard any serious complaint that depositions were unfairly recorded in any case 26/8/13.
	Subd.
	8) May the draft in the file which has been approved by the 1st. councillor issue.
	(58) 28/8/13
	9) Issue 29/8
3	To Regr, Chief Court & Dy Comr Tumkur for the communication to the RA member concerned No J 780-81 Dy 2.9.13 Records the Serial 2

NOTE--Contn. sheet.

GIP—65,000—17-6-12.

26/7/13

cls File No. 26 of 1913-14

Serial No. 1

Diary No. of letter replied to _____

No. 9.297.

General and Revenue Secretariat

To

The Registrar,
Chief Court

Sir,

Date of issue 29.7.13

Signed by Mr. S. P. Rajagopalachari

I am directed to invite your attention to subject No. 39 of the Proceedings of the Representative Assembly of 1912 ~~and the reply of Government thereto~~ in the matter of the deposition of witness in all criminal cases being taken down in the vernacular and to request you to be so good as to favour Govt. with the opinion of the Chief Court ~~your opinion~~ in the matter at an early date.

List of enclosures _____

Drafted by UG-129 23/7/13

Copied by _____

Examined by SM

I have, etc.,

SPR

For *Secretary to Govt.*

SR (SP) 23/7/13

GPB—500—7-11-11

No: 719/46

2

Bangalore,
11th August 1913.

12/8

J557

1913-1914
65
26/7/1913-14
2

From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to Government,
General and Revenue Departments.

Sir,

With reference to your letter No.J.297-Cts.26-13-1 dated 29th July 1913, asking for the opinion of the Chief Court on subject No.39 of the Proceedings of the Representative Assembly of 1912, in the matter of depositions of witnesses in all Criminal Courts being taken down in vernacular, I am directed to invite your attention to the opinions of Chandrasekhara Aiyar and Wallace ~~Judges~~ J.J when the subject was referred to the Chief Court last year and to state that they as well as the Chief Judge are of opinion that the existing arrangement is working well and requires no alteration.

If recording depositions in vernacular were likely to result in any greater accuracy of record, something might be said in favour of it. But the Judges' experience of records in vernacular is that the evidence is loosely and inaccurately recorded, most illegibly written and, if read over to the witness at all, read over at a pace which makes it impossible for him to follow accurately or to check what is written. The recording also becomes a purely mechanical process. Recording in English has the merit of bringing the Judges' mind to bear on each answer, of making it necessary for him to ascertain exactly what the witness means to say, and of giving the witness time, when it is re-read and translated to him, to reflect on the correctness of what is recorded. It has also the advantage that it induces a readier reference to the original depositions by pleaders and by appellate courts, and in big cases, where the records

have to be printed, it ensures that the depositions used in the appellate courts are those used by the original court and not translations of them made by some irresponsible clerk in a pleader's office or in the appellate Court's office, and the appellate court has the satisfaction of knowing that what is before it are translations of the evidence made by the responsible Judge himself.

I have the honor to be,

Sir,

Your most obedient servant,

Registrar.

181.

Re depositions of witnesses in civil courts [redacted]
Kannada

G.R.S. 28.]

57

65 File No. [redacted]
Serial No. [redacted]

Diary No. of letter replied to .....

Proceedings of the Government of [redacted]
the Maharaja of Mysore,

GENERAL AND REVENUE
SECRETARIAT.
( )

READ—

Subject 39 of the Proceedings of the Representative Assembly of 1912—

, *the* 19

Date of issue 2-9-13

Signed by Jus P Rajagopala Iyer

requesting that depositions of witnesses be made to be taken in the Vernacular as in the case of statements of accused persons.

~~ORDER THEREON.—No.~~

2) Correspondence ending with Govt no. 719/46, dt the 11th Aug 1913, stating that in the opinion of the Judges the existing arrangement is working well and requires no alteration.

P.T.O.

over

SUBJECT.

GPB—10,000—19-4-10

Order thereon - no T 780—81

Recorded.

HR

Dww

For Secy Board 19/V

HS-129
13/8/13 MK

To The Registrar, Chief Court-

The Dy Com^r, Tumkur dist.

for communicating the above

to the R.A. members concerned.

27/8/13

Copy to the Dasara Sec^y:

EXD MK